

REMARKS

Reconsideration of the application is requested.

Claims 10-27 remain in the application. Claims 10-27 are subject to examination. Claims 10, 13, and 19 have been amended.

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 10-27 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Applicants appreciate the effort of the Examiner in identifying ways in which the invention can be even more clearly defined. The Examiner stated that the term respective charge state doesn't necessarily mean that each valve position has a distinct charge state. Applicants disagree, but nevertheless have amended the claims to advance prosecution of this case.

Claims 1 and 19 have been amended to specify that the first open valve position corresponds to a charge state, and that the second open valve position corresponds to a further charge state. Support for the change is inherent in the claim as previously presented. Additional support can be found by referring to the specification at page 3, lines 25-30.

Under the heading “Claim Rejections – 35 USC § 112” on page 3 of the above-identified Office Action, claim 13 has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

The Examiner alleged that the term “control action” when considered with regard to charging and/or discharging is unclear since both elements are not required of the independent claim. Claim 13 now uses the “and/or” language of claim 10 so that both elements are not necessarily required.

Claim 13 now specifies determining the control action for charging and/or discharging by a specified charging characteristic and/or discharging characteristic having a specified shape and steepness.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading “Claim Rejections – 35 USC § 103” on page 3 of the above-identified Office Action, claims 10-27 have been rejected as being obvious over U.S. Patent Application Publication No. 2002/0011762 to Klenk et al. in view of Published German Patent Application DE 199 44 733 A1 to Schrod and further

in view of U.S. Patent No. 5,479,902 to Werbeleit et al. under 35 U.S.C. § 103.

Applicants respectfully traverse.

With regard to claim 10, the Examiner has recognized that Klenk et al. do not teach steps of:

acquiring an external measured variable in the form of a pressure at the valve; and

during an idle time between two consecutive chargings or dischargings, regulating the control action in dependence on the controlled variable and, additionally, on the external measured variable.

The Examiner has alleged that Werbeleit et al. teach such steps, however applicants respectfully believe that the Examiner is incorrect.

First, applicants point out that Werbeleit et al. do not teach regulating the control action in dependence on the controlled variable and, additionally, on the external measured variable, which is in the form of a pressure at the valve.

The Examiner has alleged that Werbeleit et al. teach a pressure sensor 3 that measures the pressure at the injection valve. The component identified by reference numeral 3 is a common supply conduit 3 (See column 2, lines 29-30 and 39). The Examiner has also cited column 2, lines 1-12 of Werbeleit et al.,

however, that material does not relate to measuring the pressure at the injection valve. The only mention of pressure in that passage is in reference to a “pressure compensation piston”. The pressure compensation piston 10 delimits a pressure chamber 13 that communicates with the common supply conduit 3 (See column 2, lines 36-40).

Werbeleit et al. does not teach a pressure sensor and does not teach regulating the control action in dependence on a pressure measured by a pressure sensor. In fact Werbeleit et al. teach controlling the injection time and opening the orifice 4 of the fuel injector independently of the fuel pressure (See column 1, lines 59-67).

Additionally, Werbeleit et al. does not teach regulating the control action during an idle time between two consecutive chargings or discharging.

The Examiner has not referenced any teaching of Schrod in supporting the rejection of claim 10. Even if one of ordinary skill in the art were to consider the teachings in Klenk et al., Schrod and Werbeleit et al., the invention as defined by claim 10 could not have been suggested for the reasons given above with regard to the teaching of Werbeleit et al.

Claim 19 includes a closed-loop control regulator connected to said controller for adapting the control action of said controller; said regulator

having an input connected to at least one sensor for detecting a pressure at the valve defining a second controlled variable.

As should be clear from the discussion above, Werbeleit et al. do not teach a closed-loop control regulator having an input connected to at least one sensor for detecting a pressure at the valve defining a second controlled variable.

This limitation has been amended to even more specify that the pressure defines the controlled variable. Support is inherent in the claim as previously presented. It should be clear that the change is not presented to distinguish over the art. The limitation now reads wherein the pressure defines a second controlled variable.

The Examiner has not referenced anything in the teaching of Schrod to support the rejection of claim 19. Even if one of ordinary skill in the art were to consider the teachings in Klenk et al., Schrod and Werbeleit et al., the invention as defined by claim 19 could not have been suggested for the reasons given above with regard to the teaching of Werbeleit et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 10 or claim 19. Claims 10 and 19 are, therefore, believed to be patentable over the

art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 10 or claim 19.

In view of the foregoing, reconsideration and allowance of claims 10-27 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

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